

**Zero-Based Regulation
Prospective Analysis**

- **Fill out entire form to the best of your ability, unless submitting a Notice to Negotiate only fill out 1, 2, and 5**

Agency Name:

Rule Docket Number:

1. What is the specific legal authority for this proposed rule?

Statute Section (include direct link)	Is the authority mandatory or discretionary?
Authority in Idaho Code § 42-1805(8)	Discretionary
Implements Idaho Code § 42-1409 , 42-1409A , 42-1414 , and 42-1415	

2. Define the specific problem that the proposed rule is attempting to solve? Can the problem be addressed by non-regulatory measures?

Idaho relies on its public water resources for agricultural, aquacultural, industrial, commercial, municipal, and other projects that boost Idaho's prosperity. Inventorying and defining water rights through the adjudication process protects private property rights so that they can be defended and administered by priority in a time of water shortage. Claimants need to know what information is required to file claims for existing water rights acquired under state law through the statutory process or by diversion and beneficial use. IDWR needs sufficient, reliable, and detailed information to define the elements of the claimed water rights. IDWR also needs sufficient information to evaluate claims efficiently because delayed processing and decision-making slow the State of Idaho's ability to review claims and prepare recommendations for the Idaho Water Adjudications Court. Incomplete claims slow processing, reduce efficiency, and cost the taxpayers time and money.

IDWR believes the regulatory measures in the Rule are necessary for the orderly, consistent, and efficient processing of adjudication claims filed in connection with any of the five separate ongoing general stream adjudications and any future adjudications. IDWR will seek stakeholder input to identify non-regulatory measures it can implement to fulfill the adjudication statutory provisions. It may also be appropriate to use the Rule to address statutory requirements adopted after 2009 and to clarify items not adequately explained in the current Rule. IDWR proposes repealing the Rule and replacing it through formal rulemaking, after negotiated rulemaking is complete.

3. How have other jurisdictions approached the problem this proposed rule intends to address?

a. Is this proposed rule related to any existing federal law?

Federal citation	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)

b. How does this proposed rule compare to other state laws?

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)

c. If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

4. What evidence is there that the rule, as proposed, will solve the problem?

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5. What is the anticipated impact of the proposed rule on various stakeholders? Include how you will involve stakeholders in the negotiated rulemaking process?

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	No impact to government funds is anticipated. Adjudication claim filing fees are set by statute. IDWR anticipates minor rule modifications to fee requirement provisions that will not impact state funds. No federal funds are used to fulfill water adjudication duties.
Impact to Idaho businesses, with special consideration for small businesses	Detailed information provided by water users enables IDWR to evaluate water uses, promotes good decision-making, and reduces delays caused by indecision. This leads to a more predictable and efficient claim and recommendation process. Rulemaking may impact Idaho businesses as they gather and report information when filing claims. Consistent with the current Rule, IDWR will consider waiving information requirements for smaller water uses. IDWR will notify industry representatives of the rulemaking by contacting the Farm Bureau, ID Assoc. of Commerce and Industry, ID Water Users Assoc., and others.
Impact to any local government in Idaho	I.C. § 42-1401B assigns to IDWR exclusive authority to serve as the independent expert and technical assistant charged with reviewing claims to water rights acquired under state law and reporting, to the court, the recommendation as to the extent of beneficial use developed for each claim. Local governments cannot regulate water adjudication directly. Consequently, they have an interest in the adjudication proceedings before IDWR and the Court administering a general stream adjudication. IDWR will notify county, tribal, and municipal government entities of the rulemaking by contacting the ID Assoc. of Cities, ID Assoc. of Counties, and others.

6. What cumulative regulatory volume does this proposed rule add?

Category	Impact
Net change in word count	
Net change in restrictive word count	